19 39

Department of

OFFICE of the Bureau

STATION Madras.

(SUBJECT.)

Tobacco — Mixing of sand — South Kanara District

Legislation — Board's remarks

OFFICE OF THE REVENUE
4-AUG1939
MADRAS

GOVT. OF MADRAS

A 3557

DEPY.
4 AUG

Development Department.
Memorandum No. 15004-III/39-2., dated the 31st July 1939.

Subject:- Tobacco - Mixing of sand - South Kanara District - Legislation.

The correspondence noted in the margin* with a copy of draft of a Bill entitled "Prevention of Tobacco Adulteration Act" framed by the Registrar of Co-operative Societies is forwarded to the Board of Revenue.

* Director of Agriculture's letter No.D.Dis.C.597/38, dated the 13th October 1938.
No.C.230-39, dated 20th May 1939.

The Board is requested to report in consultation with the Collector of South Kanara, whether it is necessary to introduce legislation to prevent the prevalent practice of adulteration of tobacco with sand.

V.N. Viswanatha Rao,
Secretary-to Government.

To the Board of Revenue (with enclosures).

Forwarded/By Order.

Superintendent.

Copy of letter from the Director of Agriculture, Madras, D.Dis.No.C.397.38., dated the 12th October 1938.

I have the honour to state that propaganda against the mixing of sand with tobacco is being done by the local Agricultural Demonstrator and other officers of the Department in the course of their tours, by advising the ryots to desist from this practice, but it is too much to expect decided improvement within a short period of only one season. The cultivators are not free agents but are in the hands of dealers who finance them on the security of the standing crops. It is not unlikely that the growers resort to this practice at the instance of dealers. It is premature to resort to legislation in order to put down this form of adulteration. Any concerted action in this matter was first started only last year - vide. paragraph II of the letter from the Secretary, and it is too early to say that persuasion has totally failed. From paragraph V of the Secretary's letter it is evident that the good work started by the Collector of South Kanara is bearing fruit, the ryots in five villages having completely given up the practice. I therefore suggest that the result of further intensive propaganda by the Revenue and Agricultural Departments should be watched for 2 more years before legislation is thought of. The Society should also endeavour to bring the majority of the growers into its fold and help them in finding profitable markets for unadulterated tobacco.

Copy of letter from the Director of Agriculture, No.C.230/39, dated the 20th May 1939.

I have the honour to submit the following report on the mixing of sand with tobacco in Kasaragod taluk, South Kanara district.

2. As stated in my letter No.D.Dis.C.597/38, dated the 12th October 1938, propaganda against the mixing of sand with tobacco was carried on by the Agricultural Demonstrator, Kasaragod, and his Demonstration Mistry. The Assistant Director of Agriculture, Tellicherry, also paid two visits to the tobacco growing area during the last season to impress on the growers the evil effects of mixing.

3. It looked as though the propaganda had the desired effect up to the time of harvest of the early planted crop. The early harvested crop which the Assistant Director of Agriculture inspected at the time of its air drying had no signs of admixure of sand. Subsequently, however, there was a marked change in the cultivators who took to wholesale adulteration and continued mixing of sand till the end of the season in spite of the best efforts of the agricultural officers to persuade them against this evil practice. The later harvested crop is reported to have been very badly mixed and also the produce pledged this year with the Co-operative Society is said to be as badly mixed with sand as that of last year.

4. The following are the chief causes of adulteration during the last season.

(i) Some of the cultivators who offered during the previous year pure tobacco without the admixture of sand were paid by local merchants at the same rate as for mixed tobacco and could not realise better prices. They thought it a folly to give up mixing when it paid them better than unmixed tobacco.

(ii) In the beginning of the season, the advice of the Government officers and the fear of possible legislation against mixing had some wholesome effect. Subsequently the merchants and middlemen scented the decision of Government to postpone legislation and began to bring pressure on the cultivators to carry on adulteration. Over 90 % of tobacco cultivators are indebted to the local merchants and middlemen and they could not afford to incur

incur the displeasure of their creditors by refusing to comply with their demand for adulteration.

5. With the refusal to pay better price for pure tobacco on one side and with a firm grip of the local merchants and middlemen over the poor cultivators on the other side, combined with the absence of alternate source of credit to the cultivators no amount of propaganda on the part of the agricultural officers is likely to have the desired effect. The merchants and middlemen are well aware that so long as tobacco is mixed with sand it will have no market outside the district and to avoid the outside competition they have have made it a point to encourage adulteration by every means possible. They seem to have so much influence over the growers as very few of the latter pledged their produce this year with the Co-operative Society in spite of the better prices it paid last year.

6. Under these circumstances, it seems very necessary at legislation on the lines suggested by the Registrar of Co-erative Societies - vide Government Endorsement No. 2688-III/38 ted the 29th August 1938 should be undertaken as early as pos-ble in order that it might be brought into force by the time e present season crop is ready for marketing. This step I now nd very essential in spite of my unwillingness last year to in for legislation without trying alternate methods - vide letter D. Dis. C. 597. 38 dated the 12th October 1938 disposed in G.O. No. Ms. 2666 dated the 26th October 1938.

Prevention of Tobacco Adulteration Act.

Preamble.

Whereas it is expedient, in the interests of the tobacco growers of this Presidency, to prevent the adulteration of tobacco by admixture with sand; it is hereby enacted as follows:-

1. (i) This Act may be called the Madras Prevention of Tobacco Adulteration Act.

(ii) This section extends to the whole of the Madras Presidency; the rest of the Act shall extend to such local areas and for such periods as the Local Government may by notification in the Fort St. George Gazette direct.

Provided that such notification shall be made only after the local authority or authorities concerned and representative organisations of growers and merchants of the locality have had an opportunity of expressing an opinion as to the necessity for such extension.

2. In this Act unless there is something repugnant in the subject or context:-

the 'local authority' means the Collector of the district or executive any subordinate officer of the Revenue Department to whom he has delegated powers and duties under this Act.

3. (1) Every person who offers for sale at any stage of production or who sells in his own capacity or in the capacity of an agent to anybody tobacco mixed with sand shall be liable for punishment for the first offence with fine which may extend to one hundred rupees and for every subsequent offence with fine which may extend to five hundred rupees.

(2) In every prosecution for an offence against this section, the Court may presume that any tobacco found in the possession of a person who is in the habit of storing the article for sale has been stored by him for sale.

4. Save as otherwise provided in subsection (2) it shall be no defence to a prosecution for an offence under section 3 to allege merely that the vendor was ignorant of the nature, that

ubstance quality or weight of the tobacco sold or offered for
ale by him.

(2) Provided that where an employer is charged with an offence
nder this Act, he shall be entitled on application duly made by
im to have any other person whom he charged as the actual offende
rought before the Court at the time appointed for hearing, and if
fter the commission of the offence has been proved, the employer
roves to the satisfaction of the court that he used due diligence
o enforce the execution of this Act and that the said other perso
ommitted the offence without his knowledge, consent, connivance,
he said other person shall be convicte
cquitted.

5. The local executive authority may without previous notice
nter any place where tobacco is being prepared for the market or
offered for sale or deposited after purchase for further sale at
ny time by day or night when it is being prepared for the market
r offered for sale or deposited after purchase for further sale and
nspect the same and any materials used for such preparation or sale.

6. In any legal proceedings in respect of powers exercised
nder this section, the burden of proof shall lie on the party so
lleging.

7. Every person who shall in any manner whatsoever prevent the
local executive authority exercising powers under the last preceding
section, shall be punished, where this act does not result to an
offence under the Indian Penal Code, with a fine which may extend
to fifty rupees.

8. If a tobacco appears to the local executive authority to be
adulterated, he may seize or carry away the tobacco so adulterated or
the materials used therefor in order that the same may be dealt with
as hereinafter provided.

9. Every person who shall remove or in any way interfere with
an article secured under the last preceding section shall be punished
with fine which may extend to one hundred rupees.

10. It shall be competent to the local executive authority to
get the article seized, tested in such manner as he deems fit before

b-fore the prosecution is launched.

11. The articles seized under section 9 shall as soon as possible, be produced before a Magistrate.

Provided that where the tobacco alleged to be adulterated or the appliances used therefor do not prove the fact of adulteration the same shall be returned at the cost of the local executive authority in whose area the seizure was made, to the owner or person from whose possession the same was seized.

12. (1) The Local Executive authority may take a sample of tobacco from

(i) any person exposing it for sale or

(ii) any person preparing it for a market or

(iii) any person who is in the course of conveying it or delivering or preparing to deliver it to a purchaser or consignee or

(iv) a consignee after delivery to him.

Explanation.

The power conferred by this subsection on the local executive authority includes power to break open any receptacle or package in which the article may be contained.

(2) Where any sample is taken under sub-section (i) the cost thereof calculated at the rate at which the article is usually sold in the market shall be tendered or paid to the person from whom it is taken.

(3) Any person who in any manner whatsoever prevents the local executive authority from taking a sample under subsection (i) shall, where his act does not amount to an offence under the Indian Penal Code, be punished with fine which may extend to one hundred rupees.

13. Third-class Magistrates shall not try any offence under this Act unless they have been generally or specially empowered in this behalf by Local Government.

14. No prosecution under this Act shall be instituted except on the complaint of the purchaser or with the consent in writing of the local executive authority.

15. No prosecution under this Act shall be commenced after the expiry of three months after the commission of the offence.

16. No suit, prosecution or other proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Tobacco Mixing of Sand South Kanara Dt Legislation

A 3557/39 Pt 1-12 of A

Ref A 3557/39-1

Refered to the Collr of South Kanara & He is requested to report whether it is necessary to introduce legislation to prevent the prevalent practice of adulteration of tobacco with Sand

To the Collr of South Kanara

To As(GR)

Asst Secy's query at p1 ante -

2) Please see the Govt Memo at p1 of. The Govt want the Board to consult the Govt of South Kanara only in the matter, as the practice prevails in Kasargod th of South Kanara alone

9/8

Please also see Clause 1(ii) and the proviso at p 9 of. It is apparently proposed to extend the legislation only bit by bit to areas where it is necy. It seems suffic if S. Kanara alone is consulted as ordered in the Govt Memo.

TSJ

SW 4.4.79

D.Dis. 5739-39. South Kanara Collector's Office,
Camp--Moodabidri, dated 20-9-1939.

From

Sri Rao Bahadur C. P. Karunakara Menon,
Collector of South Kanara.

To

The Secretary to the Board of Revenue,
Land Revenue, Madras.

Sir,

Tobacco - Mixing of sand - South Kanara - Prevention Legislation.

From the Board of Revenue, Ref.A.3557-39-1 dated 11-8-39.

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I invite attention to this office reports D.Dis. 31-38 confidential dated 26-5-1938, D.Dis. Confidential 40-39 dated 4-6-1939 - para 3 (in reply to Board's Ref. Spl. 233/39-2 confidential dated 29-4-1939) and Ref. C.No. 3942-39-A5 dated 22-6-1939. In all these reports, my predecessor, Sri Diwan Bahadur M. V. Vellodi had moved for legislation of some kind for the prevention of the practice of mixing tobacco with sand, prevailing in this District.

2. The history of how the practice crept into this District some years ago, how it is holding on and how it has affected the export trade of tobacco in the District, was given in detail in the first two of the reports, referred to above. Tobacco grows well in this District in the sandy soil near the coast, and its cultivation is paying. At present it is confined to a few villages mostly in Kasaragod Taluk. With a long seashore, there is good scope for expansion of the cultivation provided that there is outside demand for the tobacco grown here. It is learnt that the demand from outside will increase with the stoppage of the mixing of sand. The cultivators are blind to this advantage and are unable to extricate themselves from the grip of a long established habit. The local merchants appear to connive at this. The necessity for taking immediate steps for the stoppage of this practice in the interest of the agriculturists of the

3. Propaganda is no doubt a better method for combating the evil than legislation. But it is now admitted on all hands that the propaganda done for the last 2 years, which was by no means small, was a failure. hence, I agree with the Director of Agriculture that legislation is called for.

4. I have carefully gone through the draft Bill. It is comprehensive and will meet the requirements of t] case, but I should think that clauses 4 (2) and 6 may be deleted.

For Collector.

TSR/20-9.

21.9.39

Tobacco — (South Kan
Mixing of Sand —
Prevention — Legislatio

A 4332/39 from the Collr of South Kanara D Dis 5739-39 dated 20-9-39 — Q

Ref A 3557-39-2 dated 11-8-39 Ulla

The Collr is requested to submit by return a copy of his report D Dis 31-38 dated 26-5-38. —

15 Cf Conf

13/10

14/10

To the Collr of South Kanara

Note. The DP Excise R 15/2 Ulk dated 21-7-39 in which the Collr's report D Dis 31-38 d 26/5/38 is

contained is not
available in the
Excise dept. After
a search in the Excis
dept it is said
that it was put
up in Land revenu
sects for a file.
The DP is not available
inspite of great search.
As the paper is getting
old, the CCth may
be asked to send urgently
Copy of his report DO No
31-34 dated 26-5-88
referred to in his letter
at P 15 C.
Draft submitted
by
10/3/10
14/10

19

Revenue DEPARTMENT.

In reply, please quote number, date and short title.*

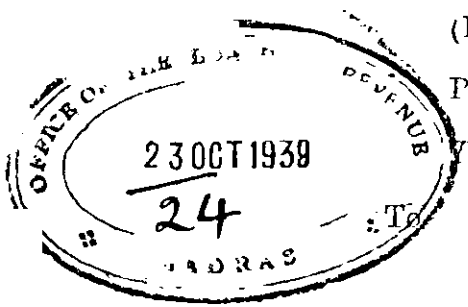
Received ..... *Registered* A4755

From (Name) Sri Rao Bahadur C. P. Karunakara Menon,

(Designation) Collector of South Kanara.

Post Box ....., (Station) Mangalore.,

Telegraphic Address .....



To

The Secretary to the Board of Revenue,
Land Revenue, Madras.

L.Dis. No. 7154-39, *dated* 19th October 1939.

Sir,

* Tobacco - (South Kanara) - mixing of sand - prevention - legislation - copy of report - submitted.
Board's Lr. No. A.3557-39-2, dated 16th October 1939.

A copy of report D.Dis.No. 31-38, Confdl., dated 30th May 1938 is enclosed.

Enclosures 1 17 ef

Spare Copies .....

Madavan Nair
for Collector

Lr. 19.X.39

Copy of report D.Dis.No. 81-38 (Confidential) dated 1 May 1958 from the Collector of South Kanara to the Secretary to the Board of Revenue, Separate Revenue, Madras-

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Tobacco - Sale of - Adulteration with sand - Prevention - Legislation.

I enclose a petition from the Secretary, Kotacheri Co-operative Crop Loan and Sale Society, Ltd., to the Government of Madras suggesting legislation to prevent adulteration of tobacco with sand.

2. Tobacco is grown in this District on an extent of nearly 2,000 acres and its cultivation is chiefly confined to [illegible] Taluk. In ancient times there was a large market for South Kanara tobacco outside India. But, about 25 or 30 years ago the practice of mixing sand with tobacco appears to have come into being much to the detriment of tobacco trade. It has eventually resulted in the export of tobacco outside the District being almost completely stopped.

3. Last year, a meeting of the tobacco merchants of this District was held under the auspices of the District Economic Council and resolutions were passed that a Union of the Tobacco merchants of South Kanara should be formed and that the merchants should not purchase from the growers, tobacco mixed with sand. Legal propaganda to stop this practice of mixing sand with tobacco was also carried on by means of publication of articles in the local newspapers and by actual contact with the growers. The Deputy Registrar of Co-operative Societies held a conference of the growers of tobacco and explained to them the benefits of offering pure tobacco unmixed with sand for sale in the market. For the time being it appears that these efforts would be successful in eradicating the evil practice. But, it is also alleged that some of the merchants are secretly encouraging the sand-mixed tobacco and the growers from that they are not to be in a position to insist on mixing sand. Consequently, a certain section of the [illegible]

evil practice seems to be still wanting. Non-official efforts having thus failed, it is now sought to stop the evil by legislation.

4. I think, that the question may be taken up along with -- the proposal to impose a tax on tobacco dealt with in Board's - C.R.No. 2986-mis., 37, dated 10-11-1937.

Advise: Reference ... with

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(True Copy)

For Collector.

19.4.38

Letter from the Collector of South Kanara, D.Dis. No. Confdl. 40-39 dated 4-6-39:-

Sub:- Exation of tobacco Preliminary - persons liable to be licensed and taxed- number under each class is each taluk- forwarded-

Your Ref.:- Special 233-39-2 (Confdl.) ated29-4-39.

A statement showing the number of persons in each taluk liable to be licensed and taxed and classified according to the instructions given in the above reference is enclosed.

2. In regard to the obtaining of applications from these persons for licences, the forms in which such applicatio are to be obtained have not been received. I request that ear arrangements may be made for their supply.

3. In regard to the conditions to be inserted in the forms of licenses to be issued under section 8 of the Act, it would be very useful, so far as this district is concerned, if a specific condition prohibiting the sale of tobacco leaf adulterated by mixing it with sand is inserted as one of the conditions. Some excellent tobacco is grown in the Kasaragod taluk of this district. It used to get very good prices and once attracted the attention of foreign merchants and prices scared up. Tobacco is sold by the weight and in order to get still better prices, the growers began to mix sand. It is also said that the tobacco merchants of this district finding that thetrade was slipping away from their hands induced the growers who are, as a rule, indebted to them to mix sand with tobacco and when the foreign merchants discovered this, they stopped buying South Kanara tobacco and since then the obaccoo merchants are having their own sweet way and have fixed very low prices and now there is no demand for South Kanara tobacco outside the district. With a view to help the growers I have been carrying on propaganda against the mixing of sand in the tobacco for the last two years. Last year the grower

growers responded and the prices doubled. This year, I am hearing that sand was mixed in several villages and the merchants were more or less privy to it. My requests to the merchants to stop buying such tobacco did not provoke any appreciable response

The only way to stop such admisture is to stop the merchants from selling such tobacco and a condition that the sale of tobacco mixed with sand would entail punishment would immediately stop the permicious habit of the growers, and they will not put sand in their tobacco as there would not any demand for it. The cultivation of toba cco starts in October and the crop is harvested in January February. There is thus plenty of time to warn the growers The condition need be inserted only from January 1940. Meanwhile both the growers and the merchants may be warned of the imposition of the conditions from the beginning of next year.

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Letter from the Collector of South Kanara, Ref.C.No.3942-39-A.5. date 22-6-39:-

Taxation of tobacco- Preliminary- Persons liable to be licensed and taxed- number under each class in each taluk- insertion of conditions in license.

Board's Ref. Spl.233-39-2 (Confdl) dated 29-4-39.

My D.Dis.Confdl. 40-39 dated 4-6.39.

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In continuation of my report D.Dis.Confidential 40-39, dated 4-6-39, I submit herewith for the information of the Board a copy of the report of the Assistant Director of Agriculture regarding the prevalance of the habit of mixing sand with tobacco and the necessity of the legislation to prevent such adulteration. The necessity to include the condition suggested by me is apprently very real.

AMK. 23/10

Letter dated 17th April 1939, Roc.No.862/38 from the Assistant Director of Agriculture, Tellicherry, to the Director of Agriculture, Madras through the Deputy Director of Agriculture IV Circle, Coimbatore.

Tobacco- mixing of sand- Kasaragod taluk- South Kanara.

Your Ref.No.C.230/39 dated 25th March 1939.

The propaganda against the mixing of sand was consistently carried out throughout the whole season this year by the Agricultural Demonstrator, Kasaragod and his demonstration maistry and messenger. I had also occasion to visit the locality twice during the tobacco growing season and impress on the growers the necessity for desisting from this malpractice.

2. The situation during the growth of the crop as well as during the harvest of theearly planted crops appeared to be very promising as some of the harvested crops kept for air drying, which I inspected, showed practically no sign of admisture of sand. But subsequently a turn for the worse waw noticed and in spite of all efforts at persuasion the later harvested crops have been reported to be very badly mixed with sand. The produce loaned to the society this year is also of poor quality having as much, if not more admisture of sand than that of last year.

3. It would appear that some of the growers who did not resort to this malpractice last year were paid by the merchants at the same rate as for the sand mixed stuff. This has made the situation worse for the non-mixers. Again in the beginning of the season the persuasion of the Government Officers and the fear among the traders and growers of impending legislation against this malpractice crested a very favourable atmosphere in the locality against mixing of sand. But subsequently the merchants and the middlemen seem to have got scent of the decision of Government not to embark on any legislation for the time being and this has encouraged the dealers to induce the growers, 99 per cent of whom are in the clutches of the former, to mix sand as badly as, if not in a larger degree than, in previous years. -

4. I am, therefore, constrained to retreat the opinion which expressed last year as I now feel convinced that legislation ill alone stop this malpractice. Persuasion without the backing f an act of legislature does not appear to have any lasting effect. o long as the growers are under the control of the dealers, the latter ill command the local market and so long as the stuff is mixed with and, outside markets will be shut off. Although the dealers would lways try to throw the blame on the growers, there is no denying he fact if the dealers combine and make it a point not to buy the and mixed stuff, the growers will at once stop this practice, if for he only reason that they cannot dispose of their produce otherwise han through the local dealers to whom they are indebted. If the ealers are, therefore, prevented by legislation from stocking r trading in tobacco mixed with sand, this malpractice must stop. ut when this stops the stuff produced herewill easily fetch good market outside and even if the local dealers, in the beginning ry to interfere with the growers, the outside competition will n course of time make their efforts futile.

5. I interviewed the Secretary of the Kotacherri Co-operative ociety this morning and he informed me that the quantity of tobacco ledged with the society this year was very much less than in last ear and that the dealers appeared to have controlled the whole pro- uce in spite of the better prices paid by the society last year.

6. I would, therefore, recommend that necessary legislation n the lines recommended by the Registrar of Co-operative Societies may be undertaken as early as possible so that the next year's crop at least may escape this admisture of sand.

7. The only alternative to legislation is the controlling f the whole trade by the Co-operative crop loan and sales society ut I don't think the financial position and the personnel of the ociety are strong enough to embark on such a bold venture unless trongly supported by a legislative measure penalising the existing al-practice.

Copy of Govt Endt 2688/III/38-1 dated 29/8/38 :—

A copy of a letter from the Secy of the Kosachi Cooperative Sopkaan and Sale Society, Kanhangad, South Canara dated 29-4-38, together with the report of the Registrar of Cooperative Societies 5066/38 dated 5/8/38 is forwarded to the Director of Agriculture.

The Director's attention is drawn to his report on the same subject in his letter D Dis 727/37 dated 23/12/37 and he is requested to report what the effect of the propaganda conducted by the Agricultural Dept against the practice of mixing sand with tobacco has been, and whether he concurs with the view of the Registrar of Cooperative Societies that legislation should be undertaken at this stage for the purpose of putting a stop to this practice

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Copy of Ego No. 666 dated 26/10/38..

A copy of Director of Agriculture's letter D Dis 597/38 dated 12-10-38 is Communicated to the Registrar of Cooperative Societies. The Govt propose to watch the results of the propaganda in progress agst the practice for sometime more. The Registrar is requested to bring to the notice of the Kasaberi Cooperative ~~Loan~~ Crop loan and sale Society, the suggestion of the Director of Agriculture in the last sentence of his letter dated 12-10-38

The Director of Agriculture and the Registrar are requested to submit a further report on the subject early

(FULL BOARD.)

DESPATCHED
11 DEC 1939

Tobacco- Mixing of sand- South Kanara District- Legislation- Board's remarks submitted -

A. 355/37 page 1 c.f. -- Q.

RESOLUTION (Mis.) 3557 A 9.12.39

With reference to the Government Memorandum cited above, the Board submits the following report:-

The practice of mixing sand with tobacco is confined to the South Kanara ~~Tobacco~~ District. In the coastal strip of the Coondapur taluk (also) north of the Gangolly river, tobacco is grown but the area is not large, It appears to be a fact that the problem has to be faced chiefly in the Kasargod taluk, where the Moplas are the chief growers of tobacco. ~~The peculiarity of tobacco cultivation in this district is that a kind of fish manure emitting a bad smell is used by the growers.~~ There is apparently either no competition between the adulterated local tobacco and pure tobacco imported from outside the district or the local tobacco has some special

understands that practice of mixing sand with tobacco is not prevalent here.

attraction for the consumers. ~~The~~ It appears that the tobacco is, ~~it appears, mostly~~ largely consumed locally. ~~The Board understands that it is not used for smoking at all and is generally used for chewing or~~ preparing ~~snuff, finding a market almost entirely in Bombay and Northern India.~~ The consumers must be well aware of the adulteration with sand. It is not clear whether the adulteration does not make the tobacco deleterious ~~to health~~ and why the consumers do not protest and prefer purer imported tobacco. The motive in mixing sand is said to be to kill outside demand for the South Kanara tobacco so that the local merchants can ~~corner~~ the tobacco for the purpose of trade within the district. As the sand adds to the weight of the tobacco, the consumers are defrauded.

Some inquiries made by the Comm. of Commercial Taxes indicate, however, that ~~There is however another version~~ the tobacco is not used ~~generally~~ for smoking ~~and is generally used for chewing or preparing~~ snuff and that its market is almost entirely in Bombay and Northern India.

2. The reports of the Collector of South Kanara (copies enclosed) show that legislation is necessary and unavoidable to put an end to this practice so that tobacco cultivation in the district may expand as much as possible and the growers may get better prices for their crop. Tobacco is one of the most paying crops to the ryots now and the Government should encourage its cultivation, ~~by all means.~~ as much as possible. ~~(The greater~~ the amount of tobacco grown in the province, the larger will be the amount of tobacco business and consequently the revenue under the Madras Tobacco)

(Taxation of sales and licensing) Act, 1939. Propaganda against the mixing of sand has failed and it is also admitted that the Co-operative movement cannot be expanded so as to extricate the growers from the clutches of the money-lending merchants and the middlemen who ~~encourage~~ aid to instigate the adulteration and to whom the growers are heavily indebted. The Board therefore agrees with the Collector and the Director of Agriculture that legislation is essential and urgent.

3. The Board however considers that, before a Bill is drafted, further investigation and settlement of details is necessary. It has not been reported how the sand is actually mixed and in what form the tobacco comes into the market. It is possible that sand cannot be completely eliminated from tobacco grown on sandy soils. ~~It is understood~~ that, in a bale of tobacco when packed for sale nearly half (if not more) of the total weight is made up by sand, ~~In fact~~ that the sand is used as a packing material that tends to preserve the qualities of the tobacco. The sand is believed to have some part in the completion of the curing process. The Board is not, ~~however~~, sure of the position and further investigation ~~will be necessary~~ is essential. Some sand may ~~also~~ get blown by the action of ~~the~~ wind and

of the tobacco plant.
stick to the leaves. The allowance,
if any, that should be made on account
of ~~these natural causes~~ this will have to be
settled. Another important point
that must be settled is the method
of testing tobacco with a view to
determine the percentage of sand that
is present in the tobacco which is stocked,
exposed for sale or sold. In addition
to these, the agency to be employed for
carrying out these tests before launching
prosecutions should also be settled. The
Board ~~therefore~~ suggests that the ~~Public~~ Govt
Analyst and the Director of Agriculture
may be asked to investigate all these points
in consultation with the Collector of
South Kanara and to report further.

4. It ~~would~~ will be clear from a
perusal of the Collector's reports that
the mixing of sand is done by the growers
themselves. In the Godavari lankas and
in the Guntur district, the tobacco
leaf is cut and taken to drying grounds
near or on the plots where it is grown.
There the leaf is tied up on to frames
in a shed with a roof but no sides. When
the drying is complete, the leaf is
taken down, packed and sent to be sold.
Whatever the amount of sand that got
in among the leaves when they were cut,
that sand ~~possibly~~ should fall out when the
leaf is tied up and left to dry ~~in a
breeze. If the same is the practice in~~
~~South Kanara~~ the growers ~~may be proceeded~~
would ~~be clearly responsible~~
~~also require to be dealt with for~~ mixing sand.

If the same method of drying tobacco is adopted in South Kanara also,

~~against for selling bales of tobacco mixed with sand. The Board therefore suggests that it is desirable for the~~ For the effective prevention of ~~this practice~~ the adulteration, if is desirable that growers should ~~also~~ be made punishable for any adulterated tobacco found in their possession ~~and the~~ The best plan ~~to do this is~~ would probably be to fix a limit of private possession, and stocking or possession of adulterated tobacco in excess of that limit may be made punishable under the proposed Act. The proprietor of a shop can be reasonably held responsible for all tobacco in his shop or godown and it is up to him to see that his servants or clerks do not go beyond his instructions in any matter. A clause like 4(2) is very liable to be abused ~~open to abuse~~, as it would enable dishonest dealers to ~~throw~~ shift the blame to their servants and clerks ~~and make them responsible, although~~ In the Board's opinion every person must have personal responsibility for what is, in law, in his possession.

5. The Board has also considered the question whether the object could be achieved by amending the rules under the Madras Tobacco (Taxation of Sales and Licensing) Act, 1939. It is of the opinion that it is beyond the scope of the Tobacco ~~rules to do so and~~ rules under that Act to amend them so as to include penal provisions for dealing with this form of adulteration of tobacco

that a separate Prevention of Adulteration of Tobacco Act is necessary. The Draft Bill prepared by the Registrar of Co-operative Societies closely follows the provisions of Madras Act III of 1918 and pending the further investigation suggested above, the provisions of the Bill have not been examined in detail by the Board. After the further investigation suggested is complete, the Bill can be simplified and added a comprehensive provision for making rules under the Act.

Pr 13 of
Pr 9-12 of
Pr 782-791
Pr 25
Pr 13 of

1st on last para

The Board would also point out that, under the Tobacco Act, no licence is required for the retail sale of unmanufactured tobacco nor does the grower need to have any licence or permit for selling what he has grown.

To

The Secretary to Government,
Development Department,

(with copies of Collector's reports pp. 21-26 c.f.)

15-16 and the cover

Pr 22 of

Note File

Tobacco – (South Kanara) – Mixing of sand – Legislation

S

As (LR) Hqrs
through Spl Asst
(letter on Art 10 J 3 1139)

A 3557/38 from the Development Dept Memorandum 15004/III/38-2 dated 31/7/38 ⌐1 cf
A 4332/38 from the Coll of South Kanara DDis 597/38 dated 20-9-38 ⌐15-16 cf
A 4755/38 from the Coll of Kanara LDis 7154 ⌐19 cf
To As (LR) dated 18/10/38

The Govt have forwarded to the Board copies of the letters of the Director of Agriculture DDis 597/38 dated 12-10-38 and ⌐3 cf
C No 230/38 dated 20/5/38 together with a draft of a Bill called ⌐5-7 cf
"Prevention of Tobacco Adulteration Act" framed by the Registrar of the Cooperative Societies. ⌐9-12 cf

The Govt have asked the Board to report in consultation with the Coll of South Kanara, whether it is necessary to introduce legislation to prevent the existing practice of mixing tobacco with sand.

The Director of Agriculture reported to the Govt in his letter at ⌐3 cf that

that the Agricultural Dept advised the growers to give up the practice, that the cultivators are not free agents, but are in the hands of dealers who finance them on the security of the standing crops, that the growers resort to this practice at the instance of the dealers, that it is premature to resort to legislation to put down the practice and that the result of further intensive propaganda by Revenue and Agricultural Depts should be awaited for 2 more years before legislation may be thought of.

In his further letter to the Govt at pp 5-7 of, the Director of Agriculture points out that propaganda and persuasion have not produced the desired effect, that the growers persist in the practice, and gives the causes for the practice as follows:—

(1) The local merchants offer the same prices for pure tobaccos, as for mixed tobaccos which pays better

p 3 of

pp 5-7 of

2) The pressure of the local merchants and middlemen who encourage the adulteration. The ryots are indebted to the merchants and middlemen and cannot afford to displease the merchants

The Director of Agriculture states that these two causes are responsible for the continuance of the practice, that propaganda cannot stop it, and that legislation is necessary.

Pp 7 cf

The Coll of South Kanara who was consulted in the matter invites attention to his previous reports submitted to the Board (copies of) which are at Pp 21-26 cf.

Pp 15-16 cf

(in B.P. containing the original reports of Coll. may be put up by Govt Secty)

In these reports, the Coll- points out that tobacco cultivation is confined chiefly to Kasargod taluk, on an area of about 2000 acres, that the practice crept in about 30 years ago with the result that (export of tobacco is completely stopped) outside the Ok / that regular propaganda was carried on to stop the practice, but to no

Pp 21 cf

effect, as the merchants are secretly encouraging the practice; the Suggests that in regard to the conditions to be inserted in the forms of licenses to be issued under s 8 of the Act, a specific condition prohibiting the sale of tobacco mixed with sand should be introduced so far as South Kanara Dt is concerned, that as tobacco is sold by weight, the growers began to mix sand to get better prices that as there is no outside demand for this mixed tobacco, the local merchants have fixed very low prices and that the only way to stop the practice is to make the sale of mixed tobacco punishable.

In his present letter at pp 15-16 of, the Collr repeats the same views given by his predecessors above, and states that with a long sea shore there is good scope for the expansion of tobacco cultivation if there is only outside demand which is mainly dependant on the stoppage of the practice of mixing sand, that in the

23 of Sales Regulation para 3 made under proviso 8(K) and of Tobacco. b 17.11.17

23 of para

pp 15-16 of

interests of the agriculturists themselves, the practice should be effectively stopped and that as propaganda has failed to do the needful, the only alternative is to resort to legislation, as recommended by the Director of Agriculture.

The Collr also points out that he has carefully gone through the draft Bill prepared by the Registrar of Cooperative Societies, and finds that it is comprehensive enough to meet the requirements of the case, and that clauses 4 (2) and 6 may be deleted.

The Govt have only asked the Board to report in consultation with the Coll of Lush Kanara, whether it is necessary to introduce legislation to stop the practice. They have not asked the Board to offer remarks on the provisions of the draft Bill prepared by the Registrar of Cooperative Societies. A perusal

Remarks are necessary if Letter to the Registrar of Cooperative Societies is to be issued

17-11

of the Bill shows that it is insufficiently comprehensive to serve the purpose. Under clause 3(1) the seller is liable for a fine which may extend to Rs 100/- for the first offence, and for every subsequent offence with a fine which may extend to Rs 500/-. This clause will effectively stop the practice. The other clauses are also necessary to cover all aspects of the question. The Collr considers that clause 4(2) and 6 may be deleted. Clause 4(2) protects the employer from punishment in case to the satisfaction of the Court the offence is proved by him to have been committed by another person (who will reasonably be one of his employees). The Collr has not given any reasons for deleting this provision. Apparently he considers it necessary to have a rigorous provision for proceeding against the employer himself. As the clause requires the employer to prove to the satisfaction of the Court that he used due diligence to enforce the execution of the Act, it is for consideration whether it is necessary to delete the

~~to be unnecessary and may be deleted as pointed out by the Collr~~

~~Clauses 4(2) and 6, which Sir~~

~~1/11~~

~~to the satisfaction of the Court~~

~~satisfaction of the Court~~

¶ 9 cf

¶ 10 cf

¶ 16 cf

¶ 10c

Para 4 ¶ 16 cf

¶ 10 cf

provision.

[10C]

clause 6 also seems necessary:
for ever.

Thro' Sp[illegible] Secty

WS 4/11

South Carcara was exporting tobacco formerly but is unable to do so now because local merchants encourage raising of cane with it to avoid competition from merchants outside the district. Propoganda failed. Legislation is desirable as recommended by the Director of Agriculture & Forests.

[7 cf para 6]

The letter suggests deletion of s. 4 (2) & 6. It is apparently feared that S. 4 (2) will enable traders to know the places on reserves or castles. But the fact can be made out without.

[10 cf]

No reasons have been stated by the Collector in support of his suggestion. Prima facie s. 6 merely repeats a rule of evidence. S 4 (2) may probably be retained but not s. 6 unless it is intended to afford special protection in which case the meaning may be made clear.

CA 11.11

A.S. (Crewe)

Spl. Sch. 11.11

I think we are not expected to reach th

bill. It seems to require recasting bodily.
The prevalence of the Crime is admitted to be entirely due to
the abetment of the traders. It would
therefore
be well should provide for punishing abetment.
The cultivation of tobacco on the
extensive sea shores of South Kanara,
makes admixture of sand inevitable
It is one of the most difficult to
prepare tobacco for sale without a
certain amount of sand. A certain
percentage of allowance of sand (by weight)
should be fixed to provide for
inevitable admixture thro' natural
Causes. This can be determined only by experience:
but 5% by weight of sand may be fixed for
a start, + provision made in the
act for the local authority to fix alter the
allowance if justified.

Sec^n 6 seems quite unnecessary. It : p.10. Cf.
seems Thoroughly absurd.

Sec^n 4 (2) requires considerable modification (if it should be)
It provides for a line of defence which any
accused would naturally take. A similar
provision made in the Abk act reads +

" The holder of a licence or permit under Sec 64 Bo
this act shall be punishable, as well as the
actual offender, for any offence committed
by any person in his employ and acting

in his behalf under Sec 55, 56, 57 or 58 as if he had himself committed the same, unless he shall establish that all due & reasonable precautions were exercised by him to prevent the commission of such offence". A provision like this would meet the requirements of Sec 4 (2) which attempts to control the employer & the servant.

Sec 11 & p 11 of. Provision shd be made for depriving the contraband (seized) in the nearest Police Station keeps taking it to the magistrate

No provision has been made to compound offences. Conviction must be desirable in magisterial all cases.

There is no provision to make rules

17.4.49

It is curious how this practice of mixing tobacco with sand has grown up & persists. The trouble appears to be confined to South Kanara. To my knowledge, tobacco is grown in the coastal strip of Coondapoor Taluk north of the Gangolly River but the

area is not large & I did not hear about this practice while I was S. C. here in 1935-36. It appears to be a fact that the problem ~~is largely~~ has to be faced ~~largely~~ chiefly in the Kasargod Taluk. where, I believe, the Moplahs are the chief growers of tobacco. (The tobacco cultivation in S.K. has become rather notorious on account of the very bad-smelling kind of fish manure that is used by the growers).
There is apparently ~~no~~ either competition between this adulterated local tobacco & pure tobacco imported from outside or the local tobacco has some special attraction for the consumers. The tobacco is all, it appears, consumed locally and the consumers must be well aware of the adulteration with sand. It is not clear whether the adulteration does not make the tobacco deleterious & why the consumers do not protest & prefer purer imported tobacco. The motive is said to be to kill outside demand for S.K. tobacco so that the local merchants can convert all the tobacco for the purpose

of trade within the St. As the sand adds to the weight of the tobacco, the consumers are defrauded.

The reports at pp 21–26 C.T. make it clear that legislation is necessary & unavoidable to put an end to this pernicious practice so that tobacco culture in the St. may expand as much as possible & the growers may get better prices for their crop. Propaganda has failed & it is admitted that the Cooperative movement cannot be expanded so as to extricate the growers from the clutches of the money-lending merchants & middlemen. The Bd with the Collr & Director of Agriculture may agree that legislation is essential & urgent.

It seems to be necessary, however, to investigate & settle some details before a Bill is drafted. It has not been reported how the sand is actually mixed and in what form the tobacco comes into the market. Again, it is possible, as pointed by the A.S. (Excise), that some sand cannot be completely eliminated from tobacco grown on sandy soils.

I doubt, however, whether an allowance of, as much as 5% need be made for this. Presumably, some sand gets blown & broadcast by the action of wind & sticks to the leaves. The allowance - if any, that should be made for this has to be settled. Another important point that must be settled is the method of testing the tobacco with a view to determine the percentage of sand that is present in the tobacco that is stocked or exposed for sales sold. How again, which is the agency to be employed for carrying out these tests before prosecutions are launched? The Bd may suggest to Govt. that the Director of Agriculture may be asked to investigate these points in consultation with the Collr & report further.

It would be beyond the scope of the Tobacco Act Rules, to amend so as to include penal provision for dealing with this one form of adulteration of tobacco. The Bd may agree that a separate

Why not ask the Public Analyst about all this. The analysis of tobacco is no new thing & he ought to be able to make use of the experience of other countries. The estimation of water in tobacco is an extremely delicate, and indeed unsatisfactory

20/1/

is necessary. Under the Tobacco Act, no licence is required for the retail sale of unmanufactured tobacco or does the grower of need to have any licence or permit for selling what he has grown.

The rough draft Bill prepared by the ~~Regr of~~ Registrar of Coop. Societies has been practically copied from the Madras Prevention of Adulteration Act (Act III of 1918), 1918. This is reasonable enough but the Bd need not examine the draft in detail pending the further investigation ~~Before~~ suggested above. When those details are settled, a suitable draft Bill can be prepared. The draft can be simplified & there must of course be a comprehensive provision for making rules under the proposed Act.

Clause 4(2) is just a reproduction of s. 6(2) of the Act III of 1918. Clause 6 has not been copied correctly; it corresponds to s. 7(3) of the Act III of 1918.

It is clear from the reports of the C.F. that the mixing is done

y the growers themselves. It is
desirable, for effective prevention
of the mischief, that growers also
should be punishable for any
adulterated tobacco which is
found in their possession.
The best plan would be, I probably
to fix a limit of private possession
and stocking (or possession) of adulterated
tobacco in excess of that limit
may be made punishable under the
proposed Act: The proprietor of
a shop can be reasonably held
responsible for all tobacco in his
shop or godown and it is up to him
to see that his servants
& clerks do not go beyond his
instructions in any matter.
I think a clause like 4(2)
is very liable to be abused as
it would enable dishonest dealers
to pass on the "conviction &
punishment" so to speak, to their
servants & clerks. Each man
must have a personal responsibility
for what is, in law, in his possession
For orders.

20-11-39.

I find one of the reported facts a little difficult to digest. — Growers when packing up the leaf into bales after gathering it, the growers put in a handful of sand & so forth. Why they should be said to do this under pressure from the merchants who will be expected to pay the good money afterwards I cannot make out and I cannot — Dealings of this kind are not new things in Kaira. Twenty odd years ago the tobacco growers in Kaira got well framed because the merchants from the Nadiad side who used to buy after cutting the tobacco in a rigid boycott of their services. But the idea of resorting to these vendors never occurred to the growers. The old silk trade with the Persian gulf was spoilt in the same way because the South Kaira growers would pack stones in the silk cocoons, expect the dealers at the new centres as they did for silk cocoons, to find that as with the tobacco growers, the merchants were deeply pained to find that the buyers of raw silk did not want those stones & caused heatings with them. Again the idea of

obvious remedy — viz. to direct methods of testing never occurred to them with a history such as the above the only way of stopping behaviour of this kind obviously is to make it extremely unremunerative.

A bill embodying conditions such as these seems indicated

Any tobacco found in the possession of a hop-keeper, hawker or merchant shall be deemed to be for sale; & the Court shall assume that it has been offered for sale

offering for sale

Any shopkeeper hawker or merchant Any tobacco ~~in the~~ offered for sale which is found on analysis to be adulterated & to contain a higher percentage of impurities than is laid down as allowable in the rules (to be advised by the analyst) shall be liable for a first offence to a fine not exceeding Rs 50 & for a second or subsequent offence to a fine not exceeding Rs 500

Any Court before which a charge of adulteration is brought, shall record a finding as to whether the allegation of adulteration is true or not. If it finds that the allegation is true, it shall direct the destruction by burning of, in its presence or in the presence of its specially authorized representative of the whole of the consignment found to be adulterated

It is impossible in practice to prevent ~~a grower~~ some seed from getting in among the leaves when the tobacco is gathered, so it is difficult to attach the growers directly.

But it is possible before baling the tobacco to shake out nearly all of the seed; I would accordingly throw the onus of seeing that this is done on the merchant buying, the fact that if he is found with adulterated tobacco in his possession, the whole consignment will be destroyed & he will be liable to a fine, will make him both anxious & able to keep a watchful eye on the time-honoured practices of the growers, & if he does that for some time we may reasonably expect the practices to cease.

GWP 20/11/29

From P. I. N.F.C.

(M.3) I agree with S. STR 21/11

(M.2)

M.1.

I agree that legislation is called for: the further investigation suggested by S. may be recommended.

21/11

I agree to further investigation by Illustrious. He should consider whether development of growing tobacco a

S. Canara is not directly opposed to the interests of Govt in allowing the tax on the sale of tobacco. When investigating that tax it appeared to me that the great difficulty in collection was likely to be in the areas where it is from because of smuggling. I am sure that the disposal regarding my investigation in Cochin and the subsequent disposals about the ~~tax~~ from which Act VIII of 1939 developed will have something on this point.

SECY.
24 NOV 139

D1

A.S.C.W. 22/4.

put up the ~~report~~ papers

Ag note - 22-11-39

A. The papers referred to by M.L. are put up. The Bd's report at pp. 43-62 C.P. of (I) may be perused. We have a comprehensive & compulsory system of licensing under the Tobacco Act and all sales of manufactured tobacco ~~within~~ are taxable if they take place within the Province. I submit that tobacco is one of the most paying crops for the ryot now & it is the duty of Govt

to do all that it can to encourage its cultivation irrespective of its effect on tobacco revenue. The greater the amount of tobacco grown in the Province, the larger will be the tobacco business & consequently the revenue under the Tobacco Act. If the staff is adequate & efficient, and only if, secret sales can be tackled booked & evasion of the tax prevented

24.11.39.

From S. 16 N.F.

M.4.

I think I agree with the above remarks of the Secretary.

My previous note was written on the assumption that the prevention of adulteration is bound to be for the good of the trade.

After all tobacco is grown so generally throughout the Presidency that there can be little effect on the revenue, by discouraging its growth in the coastal belt of South Kanara.

As to whether the prevention of this adulteration with sand will improve the sales of that kind of tobacco, it is impossible for me to say. When the Kasaragod tobacco was sold on the East Coast if I remember rightly, the cultivation of better kinds of tobacco in Guntur etc had not been started & this Kasaragod tobacco is very rank. It may have only a very limited market. In fact before taking any trouble to try & improve its sales, it might

I wish to obtain the opinion of men in the trade as to whether there really is a demand for larger supplies of this very rank tobacco.

But another point occurs to me. It is so long since I was in Kenya that I have forgotten the practices of the cultivators there, but I remember what the growers did on the Godavari Estates
The tobacco leaf was cut, taken to drying grounds near or on the plots where it was grown where the leaf was tied up on to frames in a shed which had a roof but no sides
When the drying was complete, the leaf was taken down, packed, & sent to be sold.
Whatever the amount of sand that got into among the leaves when they were cut, that sand should fall out when the leaf is tied up aloft to dry possibly in a breeze.
If this is the practice in South Kenya, it would not be unfair to proceed against growers who sold bales of tobacco which had sand in the bales.

Further investigation is necessary

EWS
25/11/39

To M. L. for perusal.

27.11.39.

~~I shall issue~~ the reply to Govt. will be drafted on receipt of the.

file back from D. I.

27. 11. 39

Sec.

27/11

Draft on the lines of my m

27. 11. 39.

Draft to me.

27/11.

The file relating to a proposed Bill for the Prevention of the Adulteration of Tobacco with sand (chiefly in Kamagod Kanara)

I have made some further enquiries here & if what I hear is correct, we all seem to have got ~~hold of the wrong~~ things quite wrong

This tobacco is said not to be used for smoking at all. It is purely a snuff & chewing tobacco its market is almost entirely in Bombay & Northern India

Further I gather that in a bale of this tobacco when packed for sale, nearly half (if not) of the total weight is made up by sand In fact the sand is used as a packing material that tends to preserve the qualities the tobacco. The sand is believed to have some part in the completion of the curing process

I give this information for what it is worth but if there is anything in it, all our formation is badly wrong, & the proposed Bill needs to be quietly dropped The further enquiry is most decidedly necessary

27/11/25

Put up the file at once, please.

S

ASTLR)

To As (LR)

Draft submitted

S
7/12 181
VB
7/12 3·X11

S.

Appd as revised. Issue soon without fail.

8.12.39

Misc 3554

Dated 9.12.39.

Full Board.

I.A.	A.D.S. and L.R.	Assistant Secretary. Land Rev.	Settlement.	Sep. Rev.	E.Secy.	Secy.	.4.	.3.	.2.	.1.

Open file seen by

Final draft seen by

Now circulated to

Initials.

Passed for record.

~~Secretary.~~
~~Joint Secret ry.~~

~~A.S. (S.W.)~~

A.S. (L.R.) 8/15.11

~~A.S. (Sett).~~ 8/

~~A.S. (Excise)~~ 8/12

~~A.D.S. & L.R.~~

~~I.A.~~

Note:- Entries not required to be scored out.